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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,189	04/02/2001	Akio Saito	35.C15267	7310

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

TRAN, TRANG U

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/822,189

Applicant(s)

SAITO, AKIO

Examiner

Trang U. Tran

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-33 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 25-33 and 35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al (US Patent No. 5,850,218) in view of Kayashima et al. (US Patent No. 5,488,427).

In considering claim 25, LaJoie et al discloses all the claimed limitations, noted 1) the claimed inputting video data and program information data into an apparatus is met by the in-band tuner 41, an out-of-band tuner 42, and an out-of-band transmitter 43 (Fig. 3, col. 13, lines 6-21), 2) the claimed displaying video images of a first program derived from the inputted video data on a display device is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56), 3) the claimed displaying on the display device, in response to a change from the first program to a second program, program information for the second program derived from the inputted program information data, together with video images for the second program derived from the inputted video data is met by the channel selection function and the

display screens 106 and 108 (Fig. 4, col. 15, line 10 to col. 16, line 9), and 4) the claimed displaying a setting screen for setting the program information for the second program is met by a channel setting menu 190 and a general setting menu 224 (Figs. 9 and 10, col. 19, line 39 to col. 20, line 52).

However, LaJoie et al explicitly do not disclose the newly added claimed that the displaying a setting screen sets the duration of program information display for the second program, wherein the duration of the program information display for the second program meets a condition set at the setting screen.

Kayashima et al teaches a television setting menu screen having timer having five durations 0 minute, 30 minutes, 60 minutes, 90 minutes, and 120 minutes to be set by the user (Fig. 21, col. 7, lines 8-12).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the timer setting as taught by Kayashima et al into LaJoie et al's system in order to allow the user to easily manipulate the device even the user unfamiliar with the operation of the device.

In considering claim 26, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport stream (Fig. 3, col. 14, lines 31-39), and the claimed a deriving step, of deriving the video data from the transport stream data received in said reception step is met by MPEG-2 decompress unit 33 (Fig. 3, col. 14, lines 31-39 of LaJoie et al).

In considering claim 27, the claimed a reception step, of receiving transport stream data transmitted by digital television broadcasting is met by MPEG-2 transport

stream (Fig. 3, col. 14, lines 31-39 of LaJoie et al), and the claimed a deriving step, of deriving the program information data from the transport stream data received in said reception step is met by the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al).

In considering claim 28, the claimed further comprising the step of storing in a memory the program information data derived in said deriving step, wherein the program information for the second program is derived from the program information data stored in the memory is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al).

In considering claim 29, the claimed further comprising a manual setting step, of setting contents of the program information to be displayed in said program information displaying step is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36 of LaJoie et al).

In considering claim 30, the claimed wherein said manual setting step includes setting at least one of a display timing, a display area, a display character size, a display method, a number of display repetition, and display contents is met by the general setting menu 224 (Fig. 10, col. 20, lines 9-36 of LaJoie et al).

In considering claim 31, the claimed wherein said program information display step includes displaying in response to turning on of the apparatus, the program

information for the first program derived from the program information data, together with video images of the first program derived from the input video data is met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al).

In considering claim 32, the claimed wherein said program information display step includes displaying program information for the second program on the display device in response to a broadcast end of the first program, followed by a broadcast of the second program and display of the video images of the second program is also met by the capability of displaying the current channel's channel number 116, the current channel's call sign 118, current time 120, the current program's name 123, running time 125, and elapsed time 127 (Fig. 4, col. 15, lines 10-35 of LaJoie et al).

In considering claim 33, the claimed wherein said program information displaying step includes displaying video images of the second program derived from the input video data include commercial video images and, in response to a change from the first program to the second program, the program information for the second program is displayed on the display device together with the commercial video images is met by the channel selection function and the display screens 106 and 108 (Figs. 4 and 28, col. 15, line 10 to col. 16, line 9 and col. 30, line 65 to col. 32, line 55 of LaJoie et al).

In considering claim 35, the claimed wherein the program information for the second program is displayed so as to veil a part of the video image of the second

program is met by the television display 100 which has the information banner 124 and 126 (Fig. 4, col. 15, lines 10-56 of LaJoie et al).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
May 29, 2006



Trang U. Tran  
Examiner  
Art Unit 2622